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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 002382

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FOR NEA/ELA, DRL/NESCA AND G/IWI

E.O. 12958: DECL: 11/19/2028
TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [KWMN](#) [SOCI](#) [EG](#)
SUBJECT: EGYPT'S SECOND EVER SEXUAL ASSAULT CASE: ONE-YEAR
PRISON SENTENCE HANDED DOWN

REF: CAIRO 2251

Classified By: ECPO Mincouns William R. Stewart for reason 1.4 (d).

¶1. (C) Summary and comment: On November 17, in Egypt's second ever sexual assault case, a Cairo court convicted and sentenced a 19 year-old man to one year in prison on charges of sexual assault for the highly publicized October 2 attempted rape and groping of three women in front of a large crowd on a Cairo street. Although Egyptian law requires victim testimony for convictions in sexual assault cases, the judge relied on the testimony of an eyewitness to convict and sentence the defendant, surprising women's rights activists. Contacts applauded the verdict as a strong message to the public, and one activist welcomed the judge's decision as a novel form of judicial interpretation favorable to protecting women from sexual harassment and assault. The verdict follows First Lady Suzanne Mubarak's November 13 public comments downplaying the seriousness of sexual harassment in Egypt, which exposed Mrs. Mubarak to harsh blogger criticism that she lives in a privileged fantasy world. The November 17 ruling is a positive step for judicial activism against sexual harassment and assault, and women's rights activists now appear to be more determined than ever to press the government to take steps to protect women and make the laws more conducive to prosecutions and convictions. End summary and comment.

¶2. (U) On November 17, a misdemeanor court convicted and sentenced a 19 year-old man, Islam Megdy, to one year in prison on charges of sexual assault for the attempted rape and groping of three women on a street in the Cairo neighborhood of Mohandiseen on October 2, in front of a crowd of approximately 100 boys and young men. The court remanded a second defendant in the case, 17 year-old Mohammed Ramadan, to a juvenile court because he is a minor. Police initially arrested 30 additional men on suspicion of playing roles in the assault, but the prosecution dropped the charges against them for lack of evidence. The case is Egypt's second ever regarding sexual assault, following the October 21 conviction and sentencing of a truck driver to three years in prison for groping film director Noha Rushdie (reftel).

¶3. (C) Women's rights activists were surprised at the verdict because Egyptian law specifies that convictions in sexual assault cases require testimony from the victims, and the three women in this case did not testify. Nehad Aboul Komsan, Chair of the Egyptian Center for Women's Rights, told us November 18 that in a new and unexpected judicial interpretation, the judge convicted and sentenced the defendant on the basis of eyewitness testimony from a journalist. She had expected an acquittal or dismissal because of the lack of victim testimony. Aboul Komsan speculated that the three victims did not come forward because of pressure from their male relatives fearful of unwanted public and media attention, especially in the wake of the Rushdie case. (Note: Following the October 21

Rushdie case decision, a lawyer-activist tangentially connected to the case tried to discredit Noha Rushdie by publicly accusing her of being an Israeli citizen, an agent of Israel, and of misrepresenting her credentials as a film director. This lawyer-activist also publicly committed to helping the convicted defendant file his appeal. Most of the media attention in the Rushdie case was supportive of her before this incident. End note.) Aboul Komsan asserted that the Mohandiseen verdict will have some positive impact on the public's awareness of sexual harassment and assault, although media focus on the case paled in comparison to the Rushdie decision in October.

¶4. (C) Aboul Komsan opined that the verdict is significant because it indicates that judges are willing to interpret the law in a new way to convict and sentence perpetrators of sexual assault without testimony from the victims. She attributed the judicial activism in this case and in the Noha Rushdie case to civil society efforts to educate the public about sexual harassment and assault. Aboul Komsan, who is currently working on proposed draft legislation that would explicitly enable convictions without testimony from victims and that also includes specific statutory language criminalizing sexual harassment and assault, said that the verdict could actually strengthen the position of those who oppose new legislation on the grounds that the current law is sufficient to prosecute, convict and sentence sexual assailants. (Note: Sexual assault and harassment can only be prosecuted currently under laws prohibiting moral corruption. End note.) Aboul Komsan said she will continue her efforts to submit the new draft legislation to parliament during the current session.

CAIRO 00002382 002 OF 002

¶5. (C) Afaf Marei, Director of the Egyptian Association for Community Participation and Enhancement, a women's rights and political participation NGO, told us November 18 that the decision is a strong statement that "harassment and assault are not acceptable in Egypt, and are in fact alien to Egyptian culture." She hoped that the verdict will serve as a deterrent to sexual harassment and assault on the streets. Marei opined that the publicity surrounding the Rushdie case and recent public awareness efforts and media training work by NGOs have created a new atmosphere conducive to positive judicial rulings on assault and harassment cases. Hoda Badran, Chairperson of the Arab Alliance for Women, expressed confidence to us that the court's decision will deter continued harassment and assault, and she called for more coordination between women's rights NGOs to make additional progress.

¶6. (C) The November 17 Mohandiseen verdict follows a series of comments by prominent GOE officials downplaying sexual harassment. On November 13, First Lady Suzanne Mubarak made remarks aired on the Pan-Arab satellite channel "Al-Arabiya" that the Egyptian media has exaggerated the issue of sexual harassment, saying, "Maybe one, two or even 10 incidents occurred...we cannot talk of a phenomenon. Maybe a few scatterbrained youth are behind this crime." Following November 2 press reports that two sisters accused police officers of detaining and verbally harassing them when they entered a police station to file a sexual assault complaint, one pro-government paper editorialized that sexual harassment does not take place in government institutions and that the media's focus on harassment has been counterproductive. Also following the November 2 report, the Governor of Giza, where the Mohandiseen assault took place, publicly asserted that the public has been paying too much attention to sexual harassment.

¶7. (C) Comment: The November 17 Mohandiseen verdict is clearly a positive step forward for judicial activism against sexual harassment and assault, and for public awareness of the issue. The conviction and sentencing in this case is also encouraging in light of the government's failure to even

apprehend any of the assailants in a similar group assault in Cairo in 2006. However, the Mohandiseen victims' refusal to come forward to testify illustrates that conservative social attitudes, especially among lower-income Egyptians, are continuing to prevent women from confronting their assailants. Suzanne Mubarak's comments downplaying harassment fly in the face of Egyptian women's daily difficulties on the street and have sparked harsh comments from bloggers that Mrs. Mubarak lives in a privileged fantasy world. Despite Mrs. Mubarak's remarks, women's rights activists appear to be more determined than ever to take advantage of the growing public awareness of sexual harassment and assault to press the government to take steps to protect women and to make the laws more conducive to prosecutions and convictions.

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